UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-36* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)   Paper No(s)/Mail Date *1/8/2007*.

4) ☐ Interview Summary (PTO-413)   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to Preliminary Amendment filed on 5/12/2008.

2.   Claims 1-12 have been cancelled; and claims 13-36 have been added. Currently, claims 13-36 are pending.

Priority

3.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4.   The Information Disclosure Statement (IDS) filed by Applicant on 1/8/2007 has been received and considered. A copy of the reviewed IDS is enclosed with this Office letter.

Specification

5.   Amendment to specification filed on 5/12/2008 has been received and entered.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   Claims 13-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 13-20 and 29-32, these claims are directed to "system" claims. However, all of the elements claimed could be reasonably interpreted in light of the disclosure by an ordinary artisan as being software alone, and thus is directed to software *per se*, which is non-statutory.

In order for such a software claim to be statutory, it must be claimed in combination with an appropriate medium and/or hardware to establish a statutory category of invention and enable any functionality to be realized.

Regarding claims 21-28, these claims are for a method/process. To satisfy the 101 requirements in view of *In re Bilski*, a process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Since either of the requirements is met by the recited claim, claims 21-28 are rejected as being directed to non-statutory subject matter.

Regarding claims 33-36, these claims are not directed to any of the statutory categories of

invention, e.g., method/process, article of manufacture, apparatus/system/machine, or

composition of matter. As such, they fail to fall within a statutory category. They are just non-

functional descriptive material *per se*, which is non-statutory subject matter.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 13-36 (PCT filing date 12/17/2004) are rejected under 35 U.S.C. 102(b) as being

anticipated by Bergman et al. (US Patent No 6,564,263, Patent date 5/13/2003).

As to claim 13, Bergman et al. teaches:

"A package providing apparatus for providing a package wherein the package is

composed of contents including a component or item" (see Bergman et al., [column 5, lines 44-

63] wherein a content server can be interpreted as a package providing apparatus), the apparatus

comprising:

"a package metadata generating unit for generating package metadata including relation

metadata describing temporal relation and spatial relation between the contents" (see Bergman et

al., [column 6, lines 57-65] and [column 15, lines 5-20] wherein the Inter Object Description

Scheme describing both spatial and temporal relationships among multimedia objects is

interpreted as package metadata and the multimedia content description framework

generating/providing the Inter Object Description Scheme is interpreted as a package metadata

generating unit; also see [column 7, lines 1-45] for InfoPyramid for Intra-object specification

(package metadata)); and

"a providing unit for providing the package metadata" (see Bergman et al., [column 18,

lines 25-40] for providing XML description over HTTP including both inter-object descriptions

and InfoPyramid descriptions).

As to claim 14, this claim is rejected based on the same reasons as given above for

rejected claim 13 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the temporal relation includes absolute temporal information or relative

temporal information" (see Bergman et al., [column 15, lines 30-42] and [column 16, lines 20-

60]).

As to claim 15, this claim is rejected based on the same reasons as given above for

rejected claim 13 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative distance information" (see Bergman et al.,

[column 16, lines 60-67] and [column 17, lines 1-20] wherein spatial properties can be specified

using relationship and acceptable ranges (relative distance information)).

As to claim 16, this claim is rejected based on the same reasons as given above for

rejected claim 15 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative size information according to a user

interface" (see Bergman et al., [column 17, lines 1-40 and 49-54] for instance, Object B is within

Object D (i.e., relative size information)).

As to claim 17, Bergman et al. teaches:

"A package consuming apparatus for consuming a package wherein the package is

composed of contents including a component or item" (see Bergman et al., [column 5, lines 44-

63] wherein a client devices receiving contents from the content server can be interpreted as a

package consuming apparatus), the apparatus comprising:

"a package metadata obtaining unit for obtaining package metadata including relation

metadata describing temporal relation and spatial relation between the contents" (see Bergman et

al., [column 5, lines 55-62] and [column 19, lines 20-25] for transmitting to client devices

multimedia content as well as its metadata (i.e., description data using MMCDF framework));

and

"an analyzing unit for analyzing the package metadata" (see Bergman et al., [column 19,

lines 15-18] for analyzing multimedia content according to description schemes; also see

[column 20, lines 34-37] for synthesizing multimedia content according to description scheme

including the intra- and inter-objection relationship (metadata)).

As to claim 18, this claim is rejected based on the same reasons as given above for

rejected claim 17 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the temporal relation includes absolute temporal information or relative

temporal information" (see Bergman et al., [column 15, lines 30-42] and [column 16, lines 20-

60]).

As to claim 19, this claim is rejected based on the same reasons as given above for

rejected claim 17 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative distance information" (see Bergman et al., [column 16, lines 60-67] and [column 17, lines 1-20] wherein spatial properties can be specified using relationship and acceptable ranges (relative distance information)).

As to claim 20, this claim is rejected based on the same reasons as given above for rejected claim 19 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative size information according to a user interface" (see Bergman et al., [column 17, lines 1-40 and 49-54] for instance, Object B is within Object D (i.e., relative size information)).

As to claim 21, Bergman et al. teaches:

"A package providing method for providing a package wherein the package is composed of contents including a component or item" (see Bergman et al., [column 5, lines 44-63] wherein a content server provides contents to client devices), the method comprising:

"generating package metadata including relation metadata describing temporal relation and spatial relation between the contents" (see Bergman et al., [column 6, lines 57-65] and [column 15, lines 5-20] for providing/generating the inter Object Description Scheme wherein the Inter Object Description Scheme describing both spatial and temporal relationships among

multimedia objects is interpreted as package metadata; also see [column 7, lines 1-45] for

InfoPyramid for Intra-object specification (package metadata)); and

"providing the package metadata" (see Bergman et al., [column 18, lines 25-40] for

providing XML description over HTTP including both inter-object descriptions and InfoPyramid

descriptions).

As to claim 22, this claim is rejected based on the same reasons as given above for

rejected claim 21 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the temporal relation includes absolute temporal information or relative

temporal information" (see Bergman et al., [column 15, lines 30-42] and [column 16, lines 20-

60]).

As to claim 23, this claim is rejected based on the same reasons as given above for

rejected claim 21 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative distance information" (see Bergman et al.,

[column 16, lines 60-67] and [column 17, lines 1-20] wherein spatial properties can be specified

using relationship and acceptable ranges (relative distance information)).

As to claim 24, this claim is rejected based on the same reasons as given above for

rejected claim 23 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative size information according to a user

interface" (see Bergman et al., [column 17, lines 1-40 and 49-54] for instance, Object B is within

Object D (i.e., relative size information)).

As to claim 25, Bergman et al. teaches:

"A package consuming method for consuming a package wherein the package is

composed of contents including a component or item" (see Bergman et al., [column 5, lines 44-

63] for receiving/consuming contents from the content server by client devices), the method

comprising:

"obtaining package metadata including relation metadata describing temporal relation

and spatial relation between the contents" (see Bergman et al., [column 5, lines 55-62] and

[column 19, lines 20-25] for transmitting to client devices multimedia content as well as its

metadata (i.e., description data using MMCDF framework)); and

"analyzing the package metadata" (see Bergman et al., [column 19, lines 15-18] for

analyzing multimedia content according to description schemes; also see [column 20, lines 34-

37] for synthesizing multimedia content according to description scheme including the intra- and inter-objection relationship (metadata)).

As to claim 26, this claim is rejected based on the same reasons as given above for rejected claim 25 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the temporal relation includes absolute temporal information or relative temporal information" (see Bergman et al., [column 15, lines 30-42] and [column 16, lines 20-60]).

As to claim 27, this claim is rejected based on the same reasons as given above for rejected claim 25 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative distance information" (see Bergman et al., [column 16, lines 60-67] and [column 17, lines 1-20] wherein spatial properties can be specified using relationship and acceptable ranges (relative distance information)).

As to claim 28, this claim is rejected based on the same reasons as given above for rejected claim 27 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative size information according to a user interface" (see

Bergman et al., [column 17, lines 1-40 and 49-54] for instance, Object B is within Object D (i.e.,

relative size information)).

As to claim 29, Bergman et al. teaches:

"A system for providing and consuming a package wherein the package is composed of

contents including a component or item" (see Bergman et al., [column 5, lines 44-63] wherein

the content server provides contents to client devices) , the system comprising:

"a package providing apparatus" (see Bergman et al., [column 5, lines 44-63] wherein the

content server is interpreted as a package providing apparatus) comprising

"a package metadata generating unit for generating package metadata including relation

metadata describing temporal relation and spatial relation between the contents" (see Bergman et

al., [column 6, lines 57-65] and [column 15, lines 5-20] wherein the Inter Object Description

Scheme describing both spatial and temporal relationships among multimedia objects is

interpreted as package metadata and the multimedia content description framework

generating/providing the Inter Object Description Scheme is interpreted as a package metadata

generating unit; also see [column 7, lines 1-45] for InfoPyramid for Intra-object specification

(package metadata)) and

"a providing unit for providing the package metadata" (see Bergman et al., [column 18,

lines 25-40] for providing XML description over HTTP including both inter-object descriptions

and InfoPyramid descriptions).); and

"a package consuming apparatus" (see Bergman et al., [column 5, lines 44-63] wherein

the client device is interpreted as a package consuming apparatus) comprising

"a package metadata obtaining unit for obtaining the package metadata" (see Bergman et

al., [column 5, lines 55-62] and [column 19, lines 20-25] for transmitting to client devices

multimedia content as well as its metadata (i.e., description data using MMCDF framework)) and

"an analyzing unit for analyzing the package metadata" (see Bergman et al., [column 19,

lines 15-18] for analyzing multimedia content according to description schemes; also see

[column 20, lines 34-37] for synthesizing multimedia content according to description scheme

including the intra- and inter-objection relationship (metadata)).

As to claim 30, this claim is rejected based on the same reasons as given above for

rejected claim 29 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the temporal relation includes absolute temporal information or relative

temporal information" (see Bergman et al., [column 15, lines 30-42] and [column 16, lines 20-

60]).

As to claim 31, this claim is rejected based on the same reasons as given above for
rejected claim 29 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative distance information" (see Bergman et al.,
[column 16, lines 60-67] and [column 17, lines 1-20] wherein spatial properties can be specified
using relationship and acceptable ranges (relative distance information)).

As to claim 32, this claim is rejected based on the same reasons as given above for
rejected claim 31 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative size information according to a user interface" (see
Bergman et al., [column 17, lines 1-40 and 49-54] for instance, Object B is within Object D (i.e.,
relative size information)).

As to claim 33, Bergman et al. teaches:

"A relation metadata for describing relation between a plurality of contents including
component or item, wherein the relation metadata describes temporal relation and spatial relation
between the contents" (see Bergman et al., [column 6, lines 56-65] for description scheme

(relation metadata) to describe relationships among multimedia objects, including both spatial

relationship and temporal relationship).

As to claim 34, this claim is rejected based on the same reasons as given above for

rejected claim 33 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the temporal relation includes absolute temporal information or relative

temporal information" (see Bergman et al., [column 15, lines 30-42] and [column 16, lines 20-

60]).

As to claim 35, this claim is rejected based on the same reasons as given above for

rejected claim 33 and is similarly rejected including the following:

Bergman et al. teaches:

"wherein the spatial relation includes relative distance information" (see Bergman et al.,

[column 16, lines 60-67] and [column 17, lines 1-20] wherein spatial properties can be specified

using relationship and acceptable ranges (relative distance information)).

As to claim 36, this claim is rejected based on the same reasons as given above for

rejected claim 35 and is similarly rejected including the following:

<u>Bergman et al.</u> teaches:

"wherein the spatial relation includes relative size information according to a user interface" (see <u>Bergman et al.</u>, [column 17, lines 1-40 and 49-54] for instance, Object B is within Object D (i.e., relative size information)).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuong-Thao Cao whose telephone number is (571)272-2735.

The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung T Vy/
Primary Examiner, Art Unit 2163

Phuong-Thao Cao, Examiner
Art Unit 2164
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